

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Civil No. 19-838(DSD/TNL)

Arthur A. Patterson,

Plaintiff,

v.

ORDER

Bob Bono and Barb Jeanetta,

Defendants.

This matter is before the court upon the report and recommendation (R&R) of Magistrate Judge Tony N. Leung dated May 17, 2019. The magistrate judge recommended that the court dismiss the case without prejudice for lack of subject matter jurisdiction. Pro se plaintiff Arthur Patterson has timely objected to the R&R.

The court reviews the R&R de novo. 28 U.S.C. § 636(b)(1)(C); Fed. R. Civ. P. 72(b); D. Minn. L.R. 72.2(b). After a thorough review of the file and record, the court finds that the R&R is well-reasoned and correct.

Patterson has failed to allege a claim invoking the subject matter jurisdiction of the court. Although he notes that he is black and has only one kidney, he has failed to allege a connection between those facts and the claims he raises against defendants. As a result, he has not pleaded a claim under Title VII or the Americans with Disabilities Act. Nor has he alleged facts from which the court could conclude that defendants have violated or are

subject to the Fair Housing Act in this context.¹ Rather, when read in totality, the amended complaint alleges that defendants have violated his state-law tenants rights. As such, Patterson must pursue his claim in state court. To that end, the court will dismiss this case without prejudice so that Patterson may file a claim in state court.

Accordingly, **IT IS HEREBY ORDERED** that:

1. The R&R [ECF No. 5] is adopted in its entirety;
2. The objection [ECF No. 6] is overruled;
3. The application to proceed without prepaying costs or fees [ECF No. 2] is denied as moot; and
4. The action is dismissed without prejudice.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: June 3, 2019

s/David S. Doty
David S. Doty, Judge
United States District Court

¹ Patterson has also failed to demonstrate that diversity jurisdiction exists.